



Rowan County Planning and Development Department

402 North Main Street • Salisbury, N.C. 28144-4341

Building Inspections: 704-216-8619

Planning: 704-216-8588

Fax: 704-638-3130

To: Rowan County Zoning Board of Adjustment
From: Becky Bost, Ordinance Enforcement Officer
Date: April 22, 2010
Re: **ZBA-02-10:** Setback Variance Request for 420 Deer Lake Run

STAFF REPORT

PROPERTY CHARACTERISTICS

Tax Parcel 614 088 is a .72-acre, rectangular shaped lot situated on High Rock Lake in *Waters Edge* residential development off Providence Church Road (See *Attachment B*). According to Rowan County Tax Assessor data, a 2,746ft² residence was constructed on the lot in 1986. The property has 100 feet of waterfront on High Rock Lake and is zoned *Residential Suburban (RS)*. Accessory building setbacks in this district are:

- 10 foot off any right-of-way
- 10 foot off side and rear-yard

BACKGROUND

Dan Owens, President of the *Waters Edge Homeowners Association*, filed a complaint in March 2010 that a boat garage was built on the subject property without permits and is in violation of minimum setback requirements. Staff then met with property owner, Joseph H. McDowell at the site. Staff observed an 18' x 31' open metal boathouse constructed on an existing concrete boat ramp, anchored to two existing brick walls along the ramp. Mr. McDowell indicated the building was installed and completed on December 10th, 2009 and he had not obtained zoning or building permits for the structure. He also proceeded to identify the common property line in reference to the structure in question. According to his representation of the property line, the northeast corner of the building was approximately 2 feet off the property line and the southeast corner of the structure was approximately 4 feet off the property line. Staff advised Mr. McDowell he should move the structure and obtain the appropriate permits. Mr. McDowell expressed concern that he would not be able to meet the 10-foot minimum side-yard setback and asked if he had any other options.

Mr. McDowell stated he would like to apply for the setback variance prior to moving the building. Although the provisions of Section 21-333 do not apply per se (due to the lot previously being developed), Mr. McDowell has the opportunity to seek a variance from the standards of the ordinance per Section 21-332 (See *Attachment C*).

In considering Mr. McDowell's request, Staff suggests using the setback variance as a guide for consideration. In doing so, this precedent has been exercised by previous Zoning Board of Adjustments considering the following cases:

- ZBA 05-06: *Webb at 130 Shortsail Rd*
- ZBA 02-07: *Rushlow at 12505 Mooresville Rd*
- ZBA 03-07: *Cleary at 2520 Cannon Farm Rd*

ADDITIONAL INFORMATION

As a practical matter, a building of this type (metal carport, boat garage, etc.) requires a building permit and requisite inspections per Section R101.2 of the *2009 North Carolina Residential Code* and is supported by the *accessory building* definition from the same code (See *Attachment D*).

REQUEST

The applicant, Mr. McDowell is requesting a setback variance per Article XIII- Sections 21-332 / 333 of the *Rowan County Zoning Ordinance* to allow for the placement of the above referenced accessory building five feet from the side property line (See *Attachment A*).